UNITED STATES PATENT AND TRADEMARK OFFICE

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09/909,502	07/19/2001	Rodney D. Johnson	2961.1000-001	4161

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EXAMINER
CASLER, TRACI

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 March 2008_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8,11-22,24-72,75-120,122 and 124-127_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8,11-22,24-72,75-120,122 and 124-127_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

This action is in response to papers filed on March 10, 2008.

Claims 1-8,11-22,24-72,75-120,122 and 124-127 are pending.

Claims 1, 13, 20, 22, 25, 27, 39, 42, 58, 65, 77, 82, 85, 96, 97-98, 106, 113-116, 118-

120 and 122 are amended.

Claims 124-127 are new.

Claims 1-8,11-22,24-72,75-120,122 and 124-127 are rejected.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 46, 85, 100, 106, 113-118 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

2.   As to Claims 85, 100, and 106 they fail to qualify as statutory subject matter as

they are not ties to another statutory class(such as an apparatus nor do they transform

the underlying data into something different. In order to qualify as a statutory process

the claim should positively recite the other statutory class to which it is tied. Nominal

recitation of an apparatus either in the claims or the preamble does not constitute the

claim passing muster as a statutory subject matter.

3.   As to claim 46 fails to qualify as a statutory category as it is a system claim and

fails to claim any structure. A system or apparatus claim defined merely by software or

terms synonymous with software. Software per se is not a patentable statutory

category.

As to claims 113-118 fail to qualify as a statutory category as they fail to recite the software instructions on a "proper" computer readable medium. As currently claims the medium could be a signal which does not qualify as a patentable statutory class.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim1-12, 65-72, 75,113 and 119-112 and 124-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over www.archive.org; retrieved any linkage January 9, 1998 in view of www.internic.net; retrieved any linkage February 21, 1999.

6.   As to claims 1, 65 and 113 Archive.org teaches a system and method of

7.   a searchable electronic index of original content stored in the archived original content file; **Archive teaches a searchable index of websites that have been archived Pg. 1, wwwarchive.org indexed and was searched using the "enter web address"**

8.   a query engine in communication with the electronic index; a user interface in communication with the query engine for soliciting a query from a user for desired content, the desired content having a match to original content stored in the archived original content file; and **Pg. 1 in which user can query any web address they wish to enter into the search box.**

9. a query result presented to the user in response to the query and the electronic index, the query result including a reference to the archived original content file and the archived Internet domain registration information **Pg. 1 the search results presented user that matched the present url searched retrieving the archived dates.**

10. a data warehouse storing a plurality of data files, including an archived original content file as collected from an electronic address at a specified time and *archived with internet domain name registration information* related to a content provider associated with the electronic address at the specified time. **Archive teaches a database populated from netnews, world wide web and downloadable software donated by alexa. Archive fails to teach the archived information also being "internet domain name registration information. However, Internic teaches Maintaining a database of domain name registration data. Pg. 32 "maintenance".** It would have been obvious to one skilled in the art to additionally archive the internet domain name information from internic with the tools of archive.org as there are few options for identifying who the domain owner and registrant information. Thus using the domain name registration information as part of the archived data with improve the archive. org "digital library" to make it a comprehensive collection of the website at that particular time.

11. As to claims 2 and 66 Internic teaches allowing the user to search by names, IP host or website Pg. 16 Search Domain name, IP Host last name, first name. It would have been obvious to one skilled in the art at the time of invention to combine Internic search options with archive.org as one skilled in the art would have recognized that

applying the known technique of searching with the additional search options of Internic

would have yielded predictable results of being able to archive the registration

information and the web content.

12.   As to claims 3 and 67 as archive.org is a search using a website it therefore

teaches the user interface at a remote location.

13.   As to claims 4 and 68 archive.org teaches the web pages had been query on

previous dates, not real time Pg. 1.

14.   As to claims 5-8and 69-72 Archive teaches soliciting a URL. Pg. 1 "Enter web

address".

15.   As to claims 119-112 and 124-125 archive teaches a "digital library" Pg. 4, . The

examiner notes in a system claim the type of information stored in the database is non-

functional descriptive material. It will not affect the function of the structure of the

system.

16.

17.   Claims 27-45 and 85-99, 116 and 126 are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent 6,271, 840 Finseth et al; "Graphical Search Engine

Visual Index:" in view of www.internic.net retrieved any linkage February 21, 1999.

18.   As to claims 27, 85 and 116 Finseth teaches:

    a.   a source code file having instructions for operating web browsers; **(C. 5 l.**

    38-40 receives image scare and format indicating general desired

    format...of the webpage).

b.   a file having an image of a browser-rendered display generated by a web browser as instructed by the instructions in the source code file; and associating the web content provider with the stored information in a database.**(C. 5 l. 49-50 the web page rendering process may optionally also provide a image map indicating media area or hypertext associated with the web page data as rendered by the page rendering process.**

Finseth fails to teach having an identifier for the web content and storing ownership registration information.

However, Internic teaches:

19.   storing an identifier of a web content provider in a data warehouse; (Pg. 34 NIC Handle) and for the web content provider, storing information in the data warehouse including: a record of ownership registration data; (Pg 35).

20.   It would have been obvious to one of skill in the art at the time of invention to combine the known elements of Internic with Finseth to include the domain name registration information and identifier to give a more complete and thorough organized picture of what and who the website is representing.

21.   As to claims 28-28 and 86-87 Finseth teaches a URL being used to identify the requested information(C. 2l 35).

22.   As to claims 30 and 88 Finesth teaches Compressing the data(C. 2 l. 52-56).

23.   As to claims 31 and 89 Finseth teaches multimedia files(C. 5 l. 12-15).

24.   As to claims 32 and 90 Finseth teaches the indexer operating on stored information(C. 4 l. 62-63).

25.   As to claims 33 and91 Finseth fails to teach a digital signature, however, internic

teaches a digital signature (Pg. 27). It would have been obvious to one skilled in the art

to include digital signature in the indexed information so as to a give a more complete

and thorough organized picture of what and who the website is representing.

26.   As to claims 34 and 92 Finseth teaches querying the data(C. 4 l. 40-44).

27.   As to claims 35 and 93 Finseth teaches operating remotely(C. 7 l. 13-15).

28.   As to claims 36-37 and 94-95 Finseth teaches remote computer searching the

"crawled" information(C. 7 l. 17-18).

29.   As to claims 38 and 96 Finseth fails to teach content provider registering the

owner information, however Internic teaches User registration(Pg. 43). It would have

been obvious to one skilled in the art to combine Internic User registration with Finseth

as Internic is a cooperative activity with the US Government in which domain

registration is legally required to be maintained, therefore one skilled in the art would

have been motivated to combine the known technique of Internic registration with the

methods Finseth to yield predictable results.

30.   As to claims 39-40 and 97 Finseth teaches storing instructions(C. 5 l. 25-26).

31.   As to claim 42-43 and 98 Internic teaches maintaining the modified registration

information.   It would have been obvious to one skilled in the art to combine Internic

User registration with Finseth as Internic is a cooperative activity with the US

Government in which domain registration is legally required to be maintained, therefore

one skilled in the art would have been motivated to combine the known technique of

Internic registration with the methods Finseth to yield predictable results.

32.   As to claim 45 Finseth teaches protocol for archiving (crawling)(C. 5 l. 6-8).

33.   As to claim 126 Finseth teaches a database (C. 7 l. 40-44) The examiner notes in

a system claim the type of information stored in the database is non-functional

descriptive material. It will not affect the function of the structure of the system.

34.   Claims 58-64, 106-112, 118 and 127 are rejected under 35 U.S.C. 103(a) as

being unpatentable over US Patent 6, 271, 840 Finseth "Graphical Search Engine

Visual Index"; in view of www.internic.net; retrieved any linkage February 21, 1999.

35.   As to claims 58, 106 and 118 Finseth teaches.

36.   providing an identifier of a plurality of web content providers;**(C. 7 l. 36-37 URL's)**

37.   for each of a plurality of content provider, storing searchable information in the

data archive, including**(C. 7 l. 40-41results of a separate crawler search stored in**

database)

38.   a source code file having instructions for operating web browsers as specified by

the web content provider; **(C. 5 l. 36-39 receiving information such as size , format**

etc).

39.   a file having an image of a browser-rendered display generated by a web

browser as instructed by the instructions in the source code file; **(C. 5 l. 46-50 in which**

a browser is rendered using the size format information by the page rendering

process)

40.   soliciting information from the data archive related to the searchable information

and a specified time; and **(C. 7 l. 35-37 ; C. 4 l 65-67) search engine request.**

41.   presenting a report responsive to the solicited information, the report including

archived information associated at least one content provider. **(C 4 l. 33-35 rendering**

the searched page).

42.   Finseth fails to teach

43.   a record of Internet domain name registration data associated with the content

provider; and a database, associating web content providers with the stored information

and associating the stored information with a time stamp;

44.   However, Internic teaches a internet domain name registration(Pg. 43) and

associating the content with a time stamp. (Pg. 39 Tracking Number). It would have

been obvious to one of skill in the art at the time of invention to combine the known

elements of Internic with Finseth to include the domain name registration information

and identifier to give a more complete and thorough organized picture of what and who

the website is representing and yielding predictable results.

45.   As to claims 59-60 and 107-108 Finseth teaches querying information. The

examiner notes the type of information being queried is non-functional descriptive

material. The query will be process regardless of the type of information requested.

46.   As to claims 61 and 109 Finseth teaches at least one of audio, video text(C. 5 l.

5; C. 5 l. 14).

47.   As to claims 62 and 110 Finseth teaches archived (crawled information)(C. 5 l. 6-

7).

48.   As to claims 63-64 and 11—112 Finseth teaches reporting archived information

and obsolete information(C. 11 l. 5-15).

49.   As to claim 127 Finseth teaches a database(C. 7 l. 40-44) The examiner notes in

a system claim the type of information stored in the database is non-functional

descriptive material. It will not affect the function of the structure of the system.

50.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

51.   Claims 13-19, 77-81 and 114 are rejected under 35 U.S.C. 102(b) as being

anticipated by www.archive.org; retrieved any linkage January 9, 1998.

52.   As to claims 13, 77 and 114 Archive.org teaches.

53.   storing data in an organized structure in a database, the data associated with a

plurality of data files, including an archived original content file as collected from an

electronic address over time, the electronic content associated with a content provider;

from a plurality of modules, populating the database with the data files;   **Pg. 3 storing**

publicly archived website materials.

54.   creating a searchable electronic index of the archived original content file stored

in the database; **Pg. 4 Para. 4 creating a digital library.**

55.   accepting a query parameter into a query engine in communication with the

electronic index; and **Pg. 1 Select enter and submit url for query.**

56.   retrieving the stored data based on the query parameter and the electronic

index. **Pg. 1 results from the query are returned to the user.**

57.   As to claims 14 and 78 archive teaches saving the files, transferring the files to a

different medium after 10 year. Pg. 5 Para. 5

58.   As to claims 15 Pg. 1 shows dates(references) in which the files were retrieved.

59.   As to claims 16 and 79 Archive teaches the content provider as on of a web

server(Pg. 3 and 4)

60.   As to claims 17 and 80 Archive teaches the communication being done over the

internet(www.archive.org).

61.   As to claims 18 and 81 archive teaches and indexer creating a searchable

index(Pg. 4 para 4 a digital library.)

62.   As to claims 19 archive teaches the index as multimedia (Pg. 5 para 6)

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

63.   Claims 20-21, 23-26, 82—5 and 115 rejected under 35 U.S.C. 102(1) as being

anticipated by www.internic.net any linkage retrieved February 21, 1999.

64.   As to claims 20, 82 and 115 Internic teaches:

storing content for later retrieval in a data warehouse; and retrieving registration content

for a plurality of web content providers from a plurality of Internet domain name

registries providers and storing the retrieved registration content in the data warehouse

over time; **Pg.43 Registering and storing domain name data.**

associating the retrieved stored registration content with a respective time stamp, the

time stamp indicating the time that the stored registration content was retrieved from the

respective Internet domain name registry; and **Pg. 39 "tracking number" time stamp**

of when information was modified and/or submitted.

creating a searchable electronic index of the stored registration content stored in the data warehouse. **Pg. 40 "who is".**

65.   As to claims 21 and 83 Internic teaches a page for retrieving the content provider content to the data warehouse(Pg. 43 "Registration")

66.   As to claim 22 internic teaches maintaining content (Pg. 32 Maintenance).

67.   As to claim 24-25 teaches an indexer for searching the store registration content. (Pg. 40 whois)

68.   As to claims 26 and 85 internic teaches the query via the website with the user being remote(all pages www.internic.net).

69.   Claims 46-57, 100-105 and 117 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,282,548 Burner. Hereinafter referred to as Burner

70.   As to claims 47, 100 and 117 Burner teaches identification of ownership of a website and maintaining/updating data as it changes (C. 11 l. 62-65).

71.   As to claim 48-49, 52-53 and 101, 103-140 Burner teaches registering content information (C. 11 l. 67-C. 12 l.1). The examiner notes that the type of format of information registered is non-functional descriptive material. The registration process would be performed the same regardless of the type or format of the information.

72.   As to claims 50 and 102, 105 Burner teaches reducing the size of the content (C. 16 l . 59-60).

73.   As to claim 51 and 103 Burner teaches ownership (C. 11 l. 67-C. 12 l.1).

74.   As to claims 54-57 Burner teaches the stored categorized information that is searchable. (C. 11 l. 62-67).

Response to Arguments

75.   Applicant's arguments with respect to claims 1-8,11-22,24-72,75-120,122 and

124-127 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Traci L. Casler whose telephone number is 571-272-

6809. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Traci L Casler/
Primary Examiner, Art Unit 3629